



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

3 Elvira Rodriguez (Estate)

Case No. 05CEPR00988

Executor Murillo, Joel M. (Attorney/Executor)

Attorney Murphy, Christine M. (Deputy Attorney General – Objector)

Motion to Termination Further Proceedings and Discharge of Personal Representative

DOD: 04/15/05	JOEL MURILLO was appointed Executor with Full IAEA without bond and Letters issued on 02/22/2006.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 07/30/2015: Mr. Murillo reports that he received a proposed settlement agreement from the Department of Health Services; requests 90 days.</p> <p>Note: Petition filed Amended Notice of Motion to Terminate Further Proceedings and Discharge of Personal Representative was filed on 08/06/2015, requesting that the court issue orders pursuant to Probate §§ 12250 and 12251 to terminate further proceedings and discharge the personal representative as there are no assets for distribution in the estate, however no one has been noticed.</p> <p>The following issues still remain:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing on mandatory Judicial Council form. 2. Need Notice of Hearing with proof of service to be served on all interested parties. 3. Need Notice to the Department of Health Care Services pursuant to the Request for Special Notice filed 07/03/2006.
Cont. from 070215, 073015		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	x	
<input type="checkbox"/> Aff.Mail	x	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order	<p>A request for special notice was filed by the California Department of Health Services and notice of the time and place of hearing on this motion was given as required by law.</p> <p>Wherefore, movant prays:</p> <ol style="list-style-type: none"> 1. For an order terminating further proceedings for the administration of the estate. 2. For an order to discharge the personal representative of the estate. 3. For such other orders as the court may deem proper. <p style="text-align: center;"><u>Please see additional page</u></p>	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		<p>Reviewed by: LV</p> <p>Reviewed on: 11/06/2015</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 - Rodriguez</p>

Opposition to Motion to Terminate Further Proceedings and Discharge of Personal Representative filed 06/24/2015 by Christine M. Murphy, Deputy Attorney General, states on May 27, 2015, the personal representative of decedent Elvira Rodriguez, Joel Murillo, filed a "Motion to Termination (sic) Further Proceedings and Discharge of Personal Representative". While the Department of Health Care Services (Department) was served with the motion, counsel for the Department was not and did not receive a copy of the motion until mid-June. Department opposes the granting of Motion on the grounds that the Judgment and Judgment Lien against petitioner Joel Murillo, as personal representative, has not been satisfied.

Department obtained a judgment against Joel Murillo, as representative of the Estate of Elvira Rodriguez, on August 9, 2009 in *Shewry v. Murrillo*, Fresno Superior Court Case No. 08CECG03103DRF. Attached here to as Exhibit A is a copy of the Notice of Entry of Judgment and Judgment in that case. Subsequently, a Judgment Lien was recorded against the estate property of decedent at 10651 E. Fantz Ave. Del Rey, California, 93616 (Estate Property). Attached hereto as Exhibit B is a copy of the Judgment lien. The lien remains on the estate property and has not been satisfied by the petitioner.

After the filing of the judgment lien, Joel Murillo initiated another action to probate the estate property of the decedent Elvira Rodriguez. (Matter of Elvira Rodriguez, Fresno Superior Court, Case No. 14CEPR00329.) In the later action, the Court issued an order dated 06/09/2014, determining that the estate property of Elvira Rodriguez succeed to the beneficiary of the Will, Angelita Garcia.

Department opposes the granting of the present motion on the grounds that the judgment against petitioner Joel Murillo, as personal representative in the above-entitled matter, and the judgment lien, have not been satisfied. Thus, any order of discharge would not be appropriate without satisfaction of the judgment and lien.

Further, denial of the motion to discharge Joel Murillo, as personal representative, will preserve the Department's claim and avoid further litigation. Department is concerned that because of the multiple proceedings probating the estate property there may be a later challenge by Angelita Garcia to the legitimacy of the Department's lien against the Estate Property. The Department wants to avoid the need for a Court action pursuant to Welfare and Institutions Code section 14009.5 against Angelita Garcia as a recipient of estate property or an action for payment from the personal representative. Thus, the Department respectfully requests that the Court deny the motion seeking to terminate further proceedings and to discharge Joel Murillo as personal representative until the judgment is satisfied by either settlement involving the beneficiary of the Estate Property, recognition of the lien by Angelita Garcia, or payment of the Department's claim.

Also, the parties are presently in settlement discussions regarding the satisfaction of the Department's Judgment and lien. Department, thus, requests that the Court continue this motion to allow for the entry of a settlement agreement addressing the issues raised by the outstanding judgment and requests a continuance until at least August 14, 2015 for the drafting of said settlement agreement.

For the foregoing reasons, Department respectfully requests the Court deny the motion or, in the alternative, continue the motion to allow for the entry of settlement agreement.

Status Hearing Re: Informal accounting of closing reserve

DOD: 8/28/11	The Second and Final Account of Co-Executors SUSAN J. QUINN and RHONDA WALLACE was settled on 11/20/14.	NEEDS/PROBLEMS/COMMENTS:
	At the hearing on 11/20/14, the Court set this status hearing for informal accounting of the \$25,000.99 closing reserve pursuant to recent court practices.	<p><u>Minute Order 5/20/15</u>: Counsel represents that they are waiting to hear from the IRS regarding a tax issue; requests 6 months.</p> <p>1. Need informal accounting of the \$25,000.99 closing reserve. If filed prior to the hearing pursuant to Local Rule 7.5, the status hearing may be taken off calendar.</p> <p>Note: Filing of the informal accounting of closing reserve will not generate a new hearing date.</p>
Cont. from 052015		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 11/5/15
		Updates:
		Recommendation:
		File 5 - Quinn

Dale W. Balagno Revocable Trust

Case No. 13CEPR00389

Atty Kruthers, Heather (for Public Administrator – Petitioner)
 Atty Roberts, Gregory J. (for Joseph Balagno – Beneficiary - Objector)
 Atty Armo, Lance E. (for Linda Balagno and Lori Brown – Beneficiaries)
 Atty Gromis, David Paul (for Nicholas Kovacevich – Former Trustee)
 Atty Johnson, Summer (for Mary Pond – Respondent)

First and Final Account and Report of Successor Trustee; Petition for Allowance of Compensation to Successor Trustee and her Attorney; and for Distribution

		FRESNO COUNTY PUBLIC ADMINISTRATOR, Successor Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 10/15/13 – 5/27/15	Minute Order 10/8/15: Counsel represent that they have reached an agreement except as to the personal property and are still working towards resolution on that issue; request additional time to do so. Continued to 11/12/15.
		Accounting: \$560,600.75	
		Beginning POH: \$516,776.66	
		Ending POH: \$503,035.65	
		(\$464,108.72 cash plus personal property)	
Cont. from 072815, 090115, 100815		Successor Trustee (Statutory): \$14,129.06	
<input type="checkbox"/>	Aff.Sub.Wit.	Successor Trustee (Extraordinary): \$248.00 (preparation, filing tax returns)	
<input checked="" type="checkbox"/>	Verified	Bond fee: \$2,102.27	
<input type="checkbox"/>	Inventory	Costs: \$141.50 (to pay to Fresno Superior Court for certified copies)	
<input type="checkbox"/>	PTC	Reserve: \$400.00 (for payment of any tax preparation after date of this account)	
<input type="checkbox"/>	Not.Cred.	Reserve: \$25,000.00 (pursuant to settlement agreement, for fees that may be awarded to the former trustee and his attorney)	
<input checked="" type="checkbox"/>	Notice of Hrg	Petitioner states the children and longtime girlfriend of Dale W. Balagno entered into a settlement agreement regarding distribution of assets as follows:	
<input checked="" type="checkbox"/>	Aff.Mail	Linda Sue Balagno: \$101,880.95 cash plus Bersa handgun, 2005 Ford Mustang, 1965 Chevy Pickup, and 1985 Harley Davidson	
<input type="checkbox"/>	Aff.Pub.	Lori Jo Brown: \$101,880.96 cash plus Colt pistol, Smith & Wesson handgun, 2002 Harley Davidson	
<input type="checkbox"/>	Sp.Ntc.	Joseph Dale Balagno: \$101,880.96 cash plus Beretta handgun, Smith & Wesson handgun, .80 round of ammunition, .25 rounds of ammunition, Yellow ring with stones, Peugeot watch, Harley Davidson watch, Geneva watch, 2005 Harley Davidson	
<input type="checkbox"/>	Pers.Serv.	Mary Pond: \$101,880.96 cash	
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc
			Reviewed on: 11/5/15
			Updates:
			Recommendation:
			File 6 – Balagno

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Objection to Proposed Distribution of Personal Property filed 9/22/15 by Joseph Balagno states he did not sign the settlement agreement. He agrees with all terms with the exception of the distribution of the personal property. In addition to the items being distributed to him, Joseph Dale Balagno should receive the following items that his father wanted him to have:

- 1965 Chevy Pickup
- 1986 Harley Davidson Sportster
- 1985 Harley Davidson
- Helmet, gloves, jacket
- 1/3 of the unclaimed property with the State Controller.

Joseph Dale Balagno has been told that he cannot receive the guns. If he cannot receive the guns, they should be distributed to his mother, Sarah Roberts, so they can ultimately be distributed to his children when they are old enough.

Declaration of Attorney Lance Armo filed 9/29/15 (Attorney for beneficiaries Linda Balagno and Lori Brown) states he has reviewed the objection with his clients. In light of said objection, his clients no longer agree to any further distribution of funds or personal items until and unless Joseph Balagno and his clients agree in writing to the distribution pursuant to the settlement agreement.

Further, his clients hereby request that the 1965 pickup located in the garage of Joseph Balagno's residence be turned over to the Public Administrator for the pendency of this matter.

Mr. Armo will not be present on 10/8/15 as he will be attending the State Bar Annual Meeting and Convention.

Probate Status Hearing Re: Filing of First Account and Petition for Final Distribution

DOD: 9/28/11	<p>ESTELLA GARZA GARZA, RAQUEL GARZA NANEZ, and ROJELIA GARZA GONZALEZ were appointed as Co-Executors on 5/27/14 with Limited IAEA without bond. Letters issued 10/3/14.</p> <p>At the hearing on 5/27/14, the Court set this status hearing for the filing of the first account or petition for final distribution.</p> <p>Note re history: The following events have occurred in this estate:</p> <p>I&A Partial No. 1 filed 9/5/14 includes various real property with a total value of \$250,000.00. <i>Note: This I&A is defective. #5 (Property Tax Certificate) is checked "not applicable," however, that is not the case, because this I&A consists of real property.</i></p> <p>Final I&A filed 8/11/15 reflects additional real property valued at \$210,000.00.</p> <p>On 1/28/15, the Court confirmed the sale of one of the properties and ordered the proceeds placed into a blocked account. Receipt was filed 3/3/15.</p> <p>On 6/19/15, the Co-Executors filed an Ex Parte Petition for Withdrawal of Funds from Blocked Account that requested distribution of the funds in the blocked account to the beneficiaries. The petition was denied, as no order for distribution has been entered.</p> <p>On 7/8/15, the Co-Executors filed a Petition for Preliminary Distribution that is set for hearing on 8/13/15.</p> <p>Status Report filed 7/16/15 (with notice of hearing to all heirs) states the estate is not in a condition to be closed at this time. Responses from the Franchise Tax Board and the Victim's Compensation and Government Claims Board are pending. The Final Inventory and Appraisal should be completed within 30 days. The Co-Executors have filed a Petition for Preliminary Distribution that is set for hearing on 8/13/15. An additional 60-90 days is requested to continue administration and to file a final account and petition for final distribution.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR</u></p> <p>First and Final Account filed 11/6/15 is set for hearing on 1/11/16.</p>
Cont. from 072115, 091315		
Aff.Sub.Wit.		
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Notice of Hrg		
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Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 11/5/15</p> <p>Updates: 11/6/15</p> <p>Recommendation:</p> <p>File 7 - Garza</p>

Status Hearing Re: Filing of the First Account

DOD: 9/3/15	<p>MARIA DE LOS ANGELES RODRIGUEZ, Step-Granddaughter, was appointed Conservator of the Person and Estate on 7/2/14.</p> <p>At the hearing on 7/2/14, the Court set this status hearing of the filing of the first account.</p> <p><u>Note:</u> I&A filed 12/1/14 included cash held in a blocked account, personal property, and real property in Monterey County, CA.</p> <p>On 1/29/15, the court confirmed the sale of the real property and the proceeds were deposited to the blocked account.</p> <p><u>Note:</u> Notice of Death of Conservatee filed 10/6/15 states the Conservatee passed away on 9/3/15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need first and final account pursuant to Probate Code §2620 or written status report pursuant to Local Rule 7.5.</p>
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
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Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: skc</p> <p>Reviewed on: 11/5/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 – Arevalo</p>	

Attorney: Heather H. Kruthers (for Petitioner/Public Guardian)

Attorney: Deborah Boyett (Court appointed for Conservatee)

Attorney: Jeffrey A. Jaech (for Objector Diane Varao)

Petition for Appointment of Probate Conservator

	Public Guardian appointed Conservator of the estate on 10/1/15.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator Advised Rights on 9/11/15.</p> <p>Voting Rights Affected need Minute Order.</p> <p>Continued from 10/1/15. Minute order states parties agree to the appointment of the Public Guardian as to the estate, and the Court so orders. Additionally, the Court orders the Public Guardian appointed as temporary Conservator, without prejudice, as to the person. Ms. Boyett requests 30 days for additional investigation.</p> <p>1. Need Order (the previously submitted order was used when the Court granted the conservatorship of the estate.)</p> <p>Note: Conservatorship of the Estate was granted on 10/1/15, therefore a status hearing will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, December 7, 2016 at 9:00 a.m. in Department 303, for the filing of the first account. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
	Temporary of the Person Expires on 11/12/15.	
Cont. from 100115		
Aff.Sub.Wit.		
✓ Verified	PUBLIC GUARDIAN is petitioner and requests appointment as conservator of the person and estate.	
Inventory		
PTC		
Not.Cred.		
✓ Notice of Hrg	Please see petition for details.	
✓ Aff.Mail	Report of Court Appointed Attorney, Deborah Boyett filed on 9/28/15	
Aff.Pub.		
Sp.Ntc.		
✓ Pers.Serv.	Court Investigator Report filed on 9/28/15	
Screen		
✓ Letters	Opposition to Petition for Appointment of Probate Conservator filed by Diane Varao on 9/29/15.	
Duties/Supp		
Objections		
Video Receipt		
✓ CI Report	Inventory and Appraisal filed on 11/5/15	
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
✓ Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 11/6/15
		Updates:
		Recommendation:
		File 18 – Madrigal